
9th Circuit decision on ATDS definition

1 message

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To: Mark Stone <Mark.Stone@fcc.gov>

Hi Mark -- I thought you might be interested in this 9th Circuit decision that came out just this morning.

The court concludes that the FCC's 2003, 2008, and 2012 orders are no longer in effect. The court then interprets the statutory language and agrees that the random and sequential number generation requirement is not tied to the "store" part of the definition. And it comes up with a new reason to support that argument - that the Budget Bill amendment, creating an exception for calls to people owing gov't debts, would have been unnecessary if those calls, which are not random or sequential, weren't covered by the autodialer prohibition.

We wrote an amicus brief in this case, proposing the store and dial argument. But we had not thought of the additional point made in the decision that 2015 Budget Amendment only works if callers use lists.

Take care.

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